

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF BELLSOUTH)	
TELECOMMUNICATIONS, INC. TO ESTABLISH)	
GENERIC DOCKET TO CONSIDER AMENDMENTS)	CASE NO.
TO INTERCONNECTION AGREEMENTS)	2004-00427
RESULTING FROM CHANGES OF LAW)	
)	

**JOINT STIPULATION REGARDING SETTLEMENT
OF DS1 TRANSPORT CAP ISSUE AND PROCESS FOR
IDENTIFICATION OF FIBER-BASED COLLOCATORS**

BellSouth Telecommunications, Inc. (“BellSouth”) and Competitive Carriers of the South, Inc. (“CompSouth”) jointly file the following stipulation regarding two disputed issues in the above-referenced proceeding. By this Stipulation, BellSouth and CompSouth wish to inform the Commission of: (a) settlement of the disputed issue in the above-referenced proceeding regarding implementation of the “DS1 transport cap” set forth in the *Triennial Review Remand Order* (the “*TRRO*”); and (b) agreement on a process to finalize the identification of “fiber-based collocators” for purposes of the *TRRO* unbundled network element (“UNE”) impairment analysis. In support of this Stipulation, BellSouth and CompSouth state as follows:

DS1 TRANSPORT CAP SETTLEMENT

1. Witnesses for BellSouth and CompSouth filed testimony regarding the issue of the cap on the number of DS1 unbundled dedicated transport UNEs that CLECs could obtain from ILECs in certain circumstances. In the pre-filed testimony, the parties identified this as a sub-issue related to more general disputes regarding implementation of *TRRO* provisions regarding unbundling of unbundled dedicated transport and high-capacity loops.

2. The parties have agreed to settle their disputes regarding this issue. BellSouth and CompSouth agree that amendments to existing interconnection agreements and successor interconnection agreements will include the following stipulated contract language addressing the DS1 transport cap:

CLEC shall be entitled to obtain up to (10) DS1 UNE Dedicated Transport circuits on each Route where there is no unbundling obligation for DS3 UNE Dedicated Transport. Where DS3 Dedicated Transport is available as a UNE under Section 251(c)(3), no cap applies to the number of DS1 UNE Dedicated Transport circuits CLEC can obtain on each Route.

3. This stipulation makes it unnecessary for the Commission to render a decision on the implementation of the DS1 transport cap in this proceeding.

PROCESS FOR IDENTIFYING FIBER-BASED COLLOCATORS

4. BellSouth and CompSouth have filed testimony regarding disputes related to the identification of “fiber-based collocators,” as that term is defined in the *TRRO*. The identification of fiber-based collocators has a direct impact on the number of wire centers where UNEs may or may not be offered by BellSouth after completion of this proceeding.

5. BellSouth and CompSouth have agreed upon a process to facilitate the expeditious identification and resolution of disputes regarding identification of fiber-based collocators. The process of finalizing a list of fiber-based collocators may involve post-hearing supplementation of the hearing record in this proceeding, and BellSouth and CompSouth request the Commission permit such additions to the record as necessary to complete the process for identifying fiber-based collocators.

6. The process agreed to by BellSouth and CompSouth is attached as Exhibit A to this Stipulation. BellSouth and CompSouth agree to abide by this procedure and report to the Commission on remaining disputes as necessary, pursuant to the process set forth in Exhibit A.

Respectfully submitted,

C. Kent Hatfield
Douglas F. Brent
Deborah T. Eversole
STOLL, KEENON & PARK, LLP
2650 AEGON Center
400 West Market Street
Louisville, Kentucky 40202
Telephone: (502) 568-9100

Of Counsel:

Bill Magness
CASEY, GENTZ & MAGNESS, L.L.P.
98 San Jacinto Blvd., Ste. 1400
Austin, Texas 78701
Telephone: (512) 480-9900

Dorothy J. Chambers
General Counsel, Kentucky
BellSouth Telecommunications, Inc.
601 W. Chestnut Street, Room 407
Louisville, KY 40203
(502) 582-8219

EXHIBIT A

**PROCESS FOR FINALIZING FIBER-BASED COLLOCATOR DESIGNATIONS
IN CHANGE OF LAW PROCEEDINGS**

Problem: There are a substantial number of wire center classifications “on the bubble” based on BellSouth’s claims regarding Fiber-Based Collocators (FBC). BellSouth’s “Request for Admissions” are resulting in some denials, and it is our understanding that BellSouth is still following up with identified CLECs to assess the accuracy of BellSouth’s FBC designations. The current wire center list is therefore uncertain, and will continue to change as the state commission hearings progress. Currently, the CLEC parties have no process to incorporate late-filed information into the record. (The number of “business lines” is being fully litigated under the standard hearing schedule, and does not need to be addressed through this additional process).

The CLEC parties propose a process to address the FBC identification situation, as outlined below.

Process:

1. BellSouth will provide CLEC counsel the complete set of responses to BellSouth’s various FBC discovery requests. A full set of all responses received by September 30, 2005 will be provided to CLEC counsel no later than 10:00 am (EST) on October 3, 2005.
2. CLECs and BellSouth will exchange wire center classification lists (Exhibit PAT-4 and JPG-5) by noon, October 6, 2005.
3. CLECs and BellSouth will meet by telephone on Friday, October 7, 2005 to identify a list of disputed wire centers by state based on differences in the number of fiber-based collocators.
4. CLECs and BellSouth will file jointly with each state commission the list of disputed wire centers on Monday, October 17, 2005 with a statement explaining each dispute.
5. State Commissions will decide whether to hold a mini-hearing and/or delegate to staff mediation the resolution of each wire center dispute. Where necessary, BellSouth will permit visual inspection by one CLEC representative and one staff member.
6. For purposes of resolving FBC-related issues in the pending generic Change of Law dockets, CLECs will, upon request from BellSouth, provide accurate information to BellSouth to verify the accuracy of BellSouth’s listed wire centers, including identifying those wire centers in which the CLEC qualifies as a FBC that BellSouth has not identified.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the a copy of the foregoing Joint Stipulation, which is identical to any paper copy filed with the Commission, has been filed electronically as permitted by the procedural order governing Case No. 2004-00427 this 9th day of December, 2005.

Douglas F. Brent